

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GANGA MANTENA,

Plaintiff,

v.

JEH JOHNSON, Secretary, U.S. Department
of Homeland Security; LEON RODRIGUEZ,
Director, U.S. Citizenship and Immigration
Services; MARK J. HAZUDA, Director of
the Nebraska Service Center, U.S. Citizenship
and Immigration Services,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/2/16

13 Civ. 5300 (LGS)

**STIPULATION AND
ORDER OF DISMISSAL**

IT IS STIPULATED AND AGREED, by and between the parties, as follows:

1. This matter is dismissed with prejudice, except nothing in this order shall preclude plaintiff Ganga Mantena from applying for any fees or costs under the Equal Access to Justice Act or any other grounds upon which she claims to be entitled, or waive any of defendants' grounds for opposing such an application.

2. Within 14 days of the date of entry of this order, United States Citizenship and Immigration Services ("USCIS") shall vacate its prior revocation of the approval of the I-140 Immigrant Petition for Alien Worker obtained by Vision Systems Group, Inc. on plaintiff's behalf and certify the petition to the Administrative Appeals Office (AAO). Should it issue another notice of intent to revoke the approval of the I-140 petition it shall do so in a manner consistent with the Second Circuit Court of Appeals' opinion dated December 30, 2015.

3. Within 14 days of the date of entry of this order, USCIS shall vacate its prior denial of, and shall reopen, plaintiff's I-485 Application for Adjustment of Status to Lawful Permanent Resident. USCIS will not adjudicate the reopened I-485 application unless and until it either revokes the approval of the I-140 petition or a visa becomes available for the I-485 application, whichever occurs first. USCIS will not deny plaintiff's I-485 application on the ground that plaintiff has failed to maintain continuous lawful status since filing the I-485.

4. USCIS shall notify plaintiff of its reopening of the I-485 application, at which time plaintiff shall be entitled to submit both an I-765 Application for Employment Authorization and an I-131 Application for Travel Document to USCIS. USCIS shall waive the filing fees for such applications. Within 30 days of the date of receipt of plaintiff's I-765 and I-131 applications, USCIS shall approve those applications, provided that the security checks required for such applications do not bar approval. USCIS will not deny either application on the ground that plaintiff has failed to maintain lawful status.

Dated: New York, New York
June 1, 2016

Dated: New York, New York
June 1, 2016

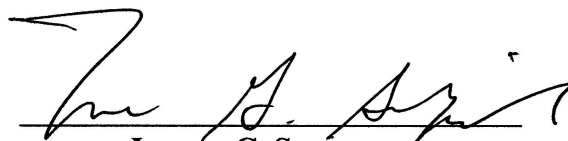
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The Clerk of Court is directed to close the motion at Docket No. 41 and close the case.

Dated: June 2, 2016
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE